

1 Scott B. Henrie, WSBA #12673
2 Manish Borde, WSBA #39503
3 WILLIAMS, KASTNER & GIBBS PLLC
4 601 Union Street, Suite 4100
5 Seattle, WA 98101-2380
Telephone: (206) 628-6600
Fax: (206) 628-6611
Attorneys for Nancy L. James, Chapter 7
Trustee

The Honorable Marc L. Barreca
Chapter 7
Hearing Date: November 27, 2017
Time: 1:30 PM

9
10 UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

11 IN RE:
12 BREAST CANCER PREVENTION FUND
13 Debtor.

NO. 13-16150 MLB

14
15 DECLARATION OF MANISH BORDE IN
16 SUPPORT OF TRUSTEE'S MOTION TO
17 APPROVE COMPROMISE WITH THE
PATON DEFENDANTS, CLARK NUBER,
P.S., AND THE WASHINGTON STATE
OFFICE OF THE ATTORNEY
GENERAL, AND FOR ORDER
REGARDING DISBURSEMENT OF
SETTLEMENT PROCEEDS TO PAY
CONTINGENCY FEE TO WILLIAMS
KASTNER

18 I, Manish Borde, say:

19 1. I am an equity Member of Williams Kastner. I am one of the attorneys for
20 Nancy L. James, the Chapter 7 Trustee ("Trustee") for the Estate of Breast Cancer Prevention
21 Fund. I have personal knowledge of the facts set forth herein and make this declaration in
22 support of the Trustee's Motion to Approve Compromise with the Paton Defendants, Clark
23

24
25 DECLARATION OF MANISH BORDE IN SUPPORT OF
TRUSTEE'S MOTION TO APPROVE COMPROMISE WITH THE
PATON DEFENDANTS, CLARK NUBER, P.S., AND THE
WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL,
AND FOR ORDER REGARDING DISBURSEMENT OF
SETTLEMENT PROCEEDS TO PAY CONTI - 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 Nuber, P.S., and the Washington State Office of the Attorney General, and for Order
2 Regarding Disbursement of Settlement Proceeds to Pay Contingency Fee to Williams Kastner.

3 2. Attached hereto as **Exhibit A** is a true and correct copy of the Trustee's
4 settlement agreement with James C. Paton, Jeanne Paton, the Patons' marital community,
5 Legacy Telemarketing Corporation, the Shirehaven Trust, Paton Properties LLC, and
6 Shirehaven 42 LLC, a Delaware limited liability company.

7 3. Attached hereto as **Exhibit B** is a true and correct copy of the Trustee's
8 settlement agreement with Clark Nuber, P.S.

9 4. Attached hereto as **Exhibit C** is a true and correct copy of the Trustee's
10 settlement agreement with the Washington State Office of the Attorney General.

11 5. Williams Kastner expended no less than \$1,516,446 in time valued at the firm's
12 standard hourly rates on this case. This amount of time does not reflect the many hours of
13 prior investigation that took place before Williams Kastner agreed to handle this matter on a
14 contingent basis and began to record time to the file. Williams Kastner took on considerable
15 risk to handle this matter and took on the addition risk to advance substantial credit to the
16 BCPF bankruptcy estate to cover hard litigation costs and expenses. While the firm was
17 periodically reimbursed for costs and expenses, such reimbursement was subject to the risk of
18 disgorgement should the case have been lost and had the estate proven to be administratively
19 insolvent.

20
21
22
23
24
25 DECLARATION OF MANISH BORDE IN SUPPORT OF
TRUSTEE'S MOTION TO APPROVE COMPROMISE WITH THE
PATON DEFENDANTS, CLARK NUBER, P.S., AND THE
WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL,
AND FOR ORDER REGARDING DISBURSEMENT OF
SETTLEMENT PROCEEDS TO PAY CONTI - 2

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1
2 I declare under penalty of perjury under the laws of the United States of America that
3 the foregoing is true and correct.

4 DATED this 3rd day of November, 2017.

5
6 /s/ Manish Borde
7 Manish Borde, WABA #39503
8 Attorneys for Nancy L. James, Chapter 7
9 Trustee
10 WILLIAMS, KASTNER & GIBBS PLLC
11 601 Union Street, Suite 4100
12 Seattle, WA 98101-2380
13 Telephone: (206) 628-6600
14 Fax: (206) 628-6611
15 mborde@williamskastner.com

16
17
18
19
20
21
22
23
24
25 DECLARATION OF MANISH BORDE IN SUPPORT OF
TRUSTEE'S MOTION TO APPROVE COMPROMISE WITH THE
PATON DEFENDANTS, CLARK NUBER, P.S., AND THE
WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL,
AND FOR ORDER REGARDING DISBURSEMENT OF
SETTLEMENT PROCEEDS TO PAY CONTI - 3

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

6222589.1

PROOF OF FILING

The undersigned hereby certifies that on November 3, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants.

DATED this 3rd day of November, 2017.

/s/ Scott B. Henrie
Scott B. Henrie, WSBA #12673
Manish Borde, WSBA #39503
Attorneys for Nancy L. James, Chapter 7
Trustee
WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
Telephone: (206) 628-6600
Fax: (206) 628-6611
shenrie@williamskastner.com
mborde@williamskastner.com

DECLARATION OF MANISH BORDE IN SUPPORT OF
TRUSTEE'S MOTION TO APPROVE COMPROMISE WITH THE
PATON DEFENDANTS, CLARK NUBER, P.S., AND THE
WASHINGTON STATE OFFICE OF THE ATTORNEY GENERAL,
AND FOR ORDER REGARDING DISBURSEMENT OF
SETTLEMENT PROCEEDS TO PAY CONTI - 4

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

6222589.1